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CONCORD, N.H.

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November 7

Donald Bentley, Chairman.  
Board of Selectmen,  
Derry, New Hampshire

Dear Mr. Bentley:

You have inquired whether the aggregate value of prizes permissible in a game or series of games of Beano is to be computed on the cost or retail basis. My opinion is that the value of such prizes is to be determined on the cost basis.

As I interpret Laws of 1951, c. 153, s. 1, subsection VII, the organization conducting the game or series of games may use, give, offer or award either cash, or merchandise, within the terms, prizes, tokens or awards. If the organization may give away cash, it may give away cash to the total of \$800. If it may give away cash of a total of \$800, it may distribute, in lieu of cash, such property as it may acquire with the amount of \$800.

Therefore, my conclusion is that the basis for determining value is the cost of the prizes and not their retail value.

Very truly yours,

Maurice M. Blodgett  
Deputy Attorney General

MMB:EP